IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 593 (S/S) of 2006

Laxman Singh,
Son of late Sri Lal Bahadur,
Bungalow Chowkidar, Devgarh Range,
Tuni Forest Division Chakrata Kalsi,
District – Dehradun. .....Petitioner

V e r s u s

1. State of Uttaranchal through Principal Secretary, Forest Department, Government of Uttaranchal, Dehradun.
2. Principal Chief Conservator of Forest, 87, Rajpur Road, Dehradun.
3. Divisional Forest Officer, Chakrata Forest Division, Kalsi, District – Dehradun.

.....Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri P.C. Jhingan, learned counsel for the petitioner and Sri Paresh Tripathi, learned standing counsel for the State of Uttaranchal on behalf of respondents.

By means of this writ petition, the petitioner has prayed to issue a writ, order or direction in the nature of Mandamus commanding the respondents not to evict the petitioner forcibly from the outhouse of Salo Bungalow till the writ petition no. 759 (SS) of 2003 is not decided finally. He has further prayed for a direction to respondents to make payment of his salary / wages due.

The submission of the petitioner is that he is working in the Forest Department as Chowkidar since 1989 and residing in the outhouse of the aforesaid Salo Bungalow.

In para 7 of the writ petition, petitioner has submitted that father of the petitioner late Sri Lal Bahadur, who was

permanent employee of the forest department, had been working on the post of Bungalow Chowkidar and posted at Salo Bungalow. After his retirement in the year 1989 petitioner was posted in place of his father on daily wage basis as Bungalow Chowkidar and has been residing in the Chowki which was made of tin shed and after some time, the petitioner was allowed to reside in the outhouse of the aforesaid Bungalow due to damage of the aforesaid tin shed.

In para 9 of the writ petition, petitioner has submitted that petitioner had been working as Bungalow Chowkidar and had been looking after the Bungalow and bridge which is situated about 800 metres away from the Salo Bungalow. But neither his services were regularized nor his wages from April 1991 had been paid, for which petitioner has already filed writ petition no. 756 (SS) of 2003. In that writ petition this court has passed order dated 04.08.2003 that in the meantime, respondents shall pay minimum of pay scale excluding the allowances if the petitioner has worked in the department for more than five years.

As per averments made in para 9 of the writ petition, it is clear that petitioner is working since 1991 meaning thereby he is not in service since 1991 and in case, the petitioner is not in service he cannot be permitted to occupy the outhouse of Salo Bungalow of Forest Department.

In view of the above discussion, writ petition has no merit and as such, is dismissed. No order as to costs.

(M.M. Ghildiyal, J)

May 03, 2006
SKSharma